

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

All Cases Listed In Appendix A

MDL No. 2804

Case No. 1:17-md-2804

JUDGE DAN AARON POLSTER

**STIPULATION AND [PROPOSED] ORDER
DISMISSING WITH PREJUDICE CLAIMS
PURSUANT TO SETTLEMENT AGREEMENT**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel of record for Plaintiffs identified in Appendix A (collectively, the “Dismissing Plaintiffs”) and Defendants McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (collectively and together with their Released Entities, the “Settling Distributor Defendants”¹) that, pursuant to the election of each Dismissing Plaintiff to participate in the Distributors Oklahoma Settlement Agreement, which was announced on June 27, 2022 and dated as of June 24, 2022 (a copy of which is attached as Appendix B), which is binding on the Dismissing Plaintiffs and the Settling Distributor Defendants, and with the Effective Date to be the date that the Consent Judgment is entered, all claims of each Dismissing Plaintiff against any Settling Distributor

¹ The Released Entities are each and every entity of any of the Settling Distributor Defendants that is a “Released Entity” as set forth in Section I.HHH and Exhibit J of Exhibit I of the Distributors Oklahoma Settlement Agreement, dated as of June 24, 2022 a copy of the agreement is attached as Appendix B. Appendix C, also attached hereto, represents a good faith effort by the Settling Distributor Defendants to list all Released Entities that may be individually named in any of the Dismissing Plaintiffs’ complaints. Appendix C is not intended to limit the scope of Released Entities, and to the extent that Dismissing Plaintiffs or Settling Distributor Defendants subsequently identify any Released Entity that should have been included on Appendix C, they will inform the Clerk of the Court.

Defendants, including any entity identified on the attached Appendix C, are hereby voluntarily **DISMISSED WITH PREJUDICE**, with each party to bear its own costs and attorneys' fees.

The Court shall retain jurisdiction with respect to the Distributors Oklahoma Settlement Agreement to the extent provided under that Agreement.

Dated October 13, 2022

Respectfully submitted,

Agreed as to form and substance:

/s/ George Gibbs
GEORGE GIBBS
GIBBS ARMSTRONG BOROCHOFF
601 S. Boulder, Suite 500
Tulsa, OK 74119
ggibbs@gablawyers.com

/s/ Bradford D. Barron
BRADFORD D. BARRON
THE BARRON LAW FIRM, PLLC
P.O. Box 369
Claremore, OK 74018
bbarron@barronlawfirmok.com

/s/ Todd A. Court
TONY G. PUCKETT, OBA #13336
TODD A. COURT, OBA #19438
MCAFEE & TAFT A PROFESSIONAL
CORPORATION
8th Floor, Two Leadership Square
211 N. Robinson
Oklahoma City, OK 73102
tony.puckett@mcafeetaft.com
todd.court@mcafeetaft.com

/s/ Matthew J. Sill
MATTHEW J. SILL, OBA #21547
HARRISON C. LUJAN, OBA #30154
FULMER SILL LAW GROUP
1101 N. Broadway Ave., Suite 102
Oklahoma City, OK 73103
msill@fulmersill.com
hluian@fulmersill.com
Attorney s for Plaintiffs

MCKESSON CORPORATION

/s/ Mark H. Lynch

Mark H. Lynch

Geoffrey E. Hobart

Timothy C. Hester

COVINGTON & BURLING LLP

One City Center

850 Tenth Street, NW

Washington, DC 20001

mlynch@cov.com

ghobart@cov.com

thester@cov.com

Telephone: 202-662-6000

Counsel for McKesson Corporation

AMERISOURCEBERGEN CORPORATION

/s/Robert A. Nicholas

Robert A. Nicholas

Shannon E. McClure

REED SMITH LLP

Three Logan Square

1717 Arch Street, Suite 3100

Philadelphia, PA 19103

Tel: (215) 851-8100

Fax: (215) 851-1420

rnicholas@reedsmith.com

smcclure@reedsmith.com

Counsel for AmerisourceBergen Corporation

CARDINAL HEALTH, INC.

/s/Enu A. Mainigi

Enu A. Mainigi

Jennifer G. Wicht

Steven Pyser

Ashley Hardin

WILLIAMS & CONNOLLY LLP

680 Maine Ave SW

Washington, DC 20005

(202) 434-5000 / tel.

(202) 434-5029/ fax

emainigi@wc.com

Counsel for Defendant Cardinal Health, Inc.

SO ORDERED:

Dated: _____

HON. DAN AARON POLSTER

CERTIFICATE OF SERVICE

I hereby certify that, on October 13, 2022, the above Stipulation And [Proposed] Order Dismissing With Prejudice Claims Pursuant To Settlement Agreement was served on all counsel of record via the CM/ECF system.

/s/ Robert A. Nicholas

Robert A. Nicholas